

Memo to City Staff and Mayor of North Richland Hills,

Dear City Staff and Mayor,

Thanks to the city staff who took time to visit with me to hear my concerns relating to the proposed development of the residential subdivision North of my home on Cardinal Lane.

Following our meeting, I spoke with the Fort Worth District of the U.S. Army Corps of Engineers about the potential of the wooded area across from my home being classified as a "wetland". I learned that under the Clean Water Act, 33 U.S.C. 1311, 1344; the Erodible Land and Wetland Conservation and Reserve Program, 16 U.S.C. 3801-3845; the Emergency Wetlands Resources Act of 1986, 16 U.S.C. 3901-3932; and the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4370a, identifying wetlands is part of the U.S. Army Corp of Engineers responsibilities under the **Regional General Permit** process.

A "wetland" as defined in Texas "means "an area (including a swamp, marsh, bog, prairie pothole, or similar area) having a predominance of hydric soils that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances supports the growth and regeneration of hydrophytic vegetation."

The Fort Worth District of the U.S. Army Corps of Engineers is asking for help in spreading the word that developers need to apply for the **Regional General Permit** prior to construction of any project impacting FEMA flood zones or wetlands.

Requirements under this permit include the following:

CRITERIA APPLICABLE TO ALL ACTIONS

1. "The discharges and work shall not cause the impact of greater than one (1) acre of waters of the United States for each single and complete project. "Impact of waters of the United States" is defined as "waters of the United States that are permanently or temporarily adversely affected by filling, flooding, excavation, or drainage because of the regulated activity."
2. "Conversion of wetlands to open water due to dredging cannot exceed 0.5 acres."
3. "Adverse impacts to waters of the United States, including wetlands, shall be avoided and minimized to the extent practicable."

" Although the nature and properties of wetlands varies widely in Texas and worldwide, wetlands are typically defined by the presence of:

1. "Wetland hydrology"
-- "water that is present for part or all of the year, at or above the surface, or within the root zone."
2. "Wetland soils"
-- "soil characteristics that differ from surrounding uplands."
3. "Wetland vegetation"
-- "wetlands will contain plants that are adapted to the presence of water, and generally lack plants that are intolerant of wet conditions."
4. "Most wetlands experience a fluctuating water level on a seasonal or even yearly basis, so some areas that are difficult to identify as wetlands during the summer may be completely inundated during the winter. Texas contains several different types of wetlands, each of which offers a varying degree of wetland functions and values, including providing habitat for wildlife."
5. "Wetland functions are those processes that wetlands perform independent of human opinion, such as nutrient cycling, Flood flow, sediment stabilization, and providing plant and animal habitat. Wetland values are a measurement of the benefit these wetland functions provide to society. For example, wetlands are valued in different degrees for their ability to improve water quality, provide economic benefits for wetland-dependent businesses, help in stabilizing global levels of carbon dioxide, reduce flood damage, and provide recreation opportunities."
6. "Plant and animal habitat"
- "several wetlands experience wet/dry cycles throughout the year, providing varied structure in plant and animal habitat."

Since it is the desire of NRH to preserve the natural environment in our city when possible, I encourage our city staff to require all development plans to apply for a **Regional General Permit** from the Fort Worth District of the U.S. Army Corps of Engineers under section 1-05 Storm drainage improvements section of PART v- PUBLIC WORKS DESIGN MANUAL prior to construction of any project involving diffused surface water or a defined watercourse.

I believe this requirement will enhance the quality of development in our city.

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